

Keith D. Karnes, OSB #033521
keith@keithkarnes.com
Karnes Law Offices, PC
1860 Hawthorne Ave NE Ste 10
Salem, OR 97301
Telephone (503) 385-8888
Fax (503) 385-8899

Attorney for Plaintiffs

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

**ZACHARY ECHLIN, MICHELLE
ECHLIN,**

Case No. _____

Plaintiffs,

v.

ASSET SYSTEMS, INC.

COMPLAINT

Fair Debt Collection Practices Act
(15 U.S.C. § 1692)

DEMAND FOR JURY TRIAL

Defendants.

JURISDICTION AND VENUE

1. Jurisdiction of this Court arises under 28 U.S.C. § 1331 and pursuant to 15 U.S.C. § 1692k(d).
2. This action arises out of Defendants' violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA").
3. Venue is proper in this District because the acts and transactions occurred in this district and Defendant's principal place of business is in Portland, Oregon, which is within this district.

COMPLAINT-1

PARTIES

4. Plaintiffs Zachary and Michelle Echlin are natural persons and husband and wife and are each a “consumer” as that term is defined by 15 U.S.C. § 1692a(3).

5. Defendant, Asset Systems, Inc. (hereinafter “Asset”) is an Oregon Corporation and is a “debt collector” as that term is defined by 15 U.S.C. § 1692a(6).

FACTUAL ALLEGATIONS

6. Plaintiff Zach Echlin became ill and was seen at Legacy Good Samaritan Hospital.

7. Plaintiff was unable to pay the bill to Legacy Good Samaritan Hospital in full before it was assigned to defendant.

8. Defendant began to collect from plaintiffs when the debt owed to Legacy Good Samaritan Hospital was alleged to be in default.

9. Defendant attempted to collect 12% interest from plaintiffs in violation of ORS 82.010.

10. Defendant both filed suit seeking 12% interest and wrote letters to defendant seeking 12% interest.

11. As a direct and proximate result of Defendant’s actions, Plaintiffs have suffered actual damages in the form of emotional distress, anger, anxiety, worry, frustration, among other negative emotions.

TRIAL BY JURY

12. Plaintiff is entitled to and hereby respectfully demands a trial by jury. US Const. amend. 7. Fed. R. Civ. Pro. 38.

CAUSES OF ACTION
COUNT I.

VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT

15 U.S.C. § 1692 *et seq.*

13. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

14. The foregoing acts and omissions of defendant constitute numerous and multiple violations of the FDCPA including, but not limited to, 15 U.S.C. §§ 1692e, 1692e(2)(A), 1692e(10), and 1692f(1).

15. As a result of Defendants violations of the FDCPA, Plaintiff is entitled to actual damages pursuant to 15 U.S.C. § 1692k(a)(1); statutory damages in an amount up to \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A); and reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1692k(a)(3).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against each Defendant for:

- a) for an award of actual damages against each Defendant;
- b) for an award of statutory damages of \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A) against each defendant;
- c) for an award of costs of litigation and reasonable attorney's fees against each Defendant.

///

///

d) for such other relief that the Court deems proper.

DATED: March 27, 2014

/s/ Keith D. Karnes

Keith D. Karnes

OSB #033521

503-362-9393

Attorney for Plaintiff